

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

JASON CANTRELL #397429,

Plaintiff,

NO. 1:18-cv-1163

v

HON. GORDON J. QUIST

MICHIGAN DEPARTMENT OF  
CORRECTIONS, *et al.*,

MAG. PHILLIP J. GREEN

Defendants.

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Exhibit P

Affidavit of Scott Gilbert  
and  
Internal Affairs Investigation [REDACTED]  
AIM #22038 Memorandum  
Dated: 9/16/2017

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

JASON CANTRELL #397429,

Plaintiff,

NO. 1:18-cv-1163

v

HON. GORDON J. QUIST

MICHIGAN DEPARTMENT OF  
CORRECTIONS, ANTHONY HEILIG,  
and SCOTT ARP,

MAG. PHILLIP J. GREEN

Defendants.

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**AFFIDAVIT OF SCOTT GILBERT**

I, Scott Gilbert being duly sworn, depose and say as follows:

1. I am presently employed by the Michigan Department of Corrections (MDOC), as an Inspector at Bellamy Creek Correctional Facility (IBC) in Ionia, Michigan. At the times relevant to the Complaint in this matter, I was employed as a Lieutenant at IBC.

2. If sworn as a witness, I can testify competently to the facts contained within this affidavit.



3. I was assigned to investigate Plaintiff Cantrell's allegations on August 19, 2017, as part of Internal Affairs Monitored Investigation (AIM #22038).

4. Pursuant to that investigation, I had access to two video recordings: 1) taser footage from Officer Earegood on August 19, 2017 and 2) facility camera footage of Bellamy Creek Correctional Facility on August 19, 2017.

5. I have reviewed the items identified as Defendants' Exhibit C and Defendants' Exhibit T in the matter of *Cantrell v. Heilig, et al., No. 1:18-cv-1163*. These videos are true and accurate copies of the taser video (Exhibit C) and the facility video (Exhibit T).

6. I have reviewed the documents identified as Defendants' Exhibits E-N. Exhibits E-M are direct captures of Exhibit C. Exhibit N is a zoomed-in portion of Exhibit M, focusing more closely on the area of the toilet.

7. I have reviewed the document identified as Defendants Exhibit P. This is a true and accurate copy of the memorandum I drafted concerning the investigation I conducted into Plaintiff Cantrell's allegation.

8. Exhibit C, Exhibit P and Exhibit T referenced in this affidavit are records of regularly conducted activity of the Michigan Department of Corrections. The records were made at or near the time of the occurrences reflected, by a person with knowledge of those matters, or from information transmitted by a person with knowledge of those matters. These documents are kept in the regular course of business of the Michigan Department of Corrections. Any copy of these records




attached to or accompanying this affidavit are true and accurate copies of the original records.

AFFIANT SAYS NOTHING FURTHER.



Scott Gilbert, Inspector  
Bellamy Creek Correctional Facility

Subscribed and sworn to before me, a Notary Public,  
on the 14<sup>th</sup> day of September, 2020



Notary Public  
Richard Brown  
RICHARD BROWN  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF MONTCALM  
MY COMMISSION EXPIRES 4/27/2027  
ACTING IN COUNTY OF Michigan

Marcum\Cantrell 2018-0238395-B\AFF.Gilbert

# MICHIGAN DEPARTMENT OF CORRECTIONS

*"Committed To Protect, Dedicated To Success"*

## MEMORANDUM

**DATE:** September 16, 2017

**TO:** Stephen Marschke  
Manager, Internal Affairs Section

**FROM:** SCOTT GILBERT  
Lieutenant, Bellamy Creek Correctional Facility

**SUBJECT:** Internal Affairs Monitored Investigation – AIM #22038  
Suspect Name: ANTHONY W HEILIG

### ALLEGATIONS:

Prisoner Cantrell #397429 alleges on 08/19/17 when he was taken to Seg. he was slammed in HU 2 B side on base. As a result of being slammed to the ground, he now suffers severe pain in his head , neck, left hip, left femure, pelvis, and both feet. Prisoner Cantrell request that the camera be reviewed during this Seg escort on 8-19-17, B- wing hallway and B-wing base Housing Unit 2 further show that prisoner Cantrell was a victim of excessive force a, and there was no reason fo rme to be physically put on the ground, CO Heilig and CO Arp were two of the officers on the escort.

### VENUE:

**Incident Location:** BELLAMY CREEK CORRECTIONAL FACILITY

Shift: Second

Site: Housing Unit

### DATE AND TIME OF INCIDENT:

Incident Date and Time: 08/19/2017 00:00

### PRINCIPAL:

<i>Name</i>	<i>HRMN ID</i>	<i>Date of Hire</i>	<i>Position</i>
HEILIG ANTHONY W	██████	██████	Corrections Officer
ARP SCOTT M	██████	██████	Corrections Officer

### VICTIM:

<i>Name</i>	<i>HRMN/MDOC #</i>	<i>Type</i>
CANTRELL JASON PAUL	397429	Offender

**PRISONER/PAROLEE:**

<i>Name</i>	<i>MDOC #</i>	<i>Offender Type</i>
CANTRELL JASON PAUL	397429	Prisoner

**RELEVANT EVIDENCE:**

1. Request for Investigation Memo dated September 07, 2017.
2. Grievance from prisoner Jason Cantrell #397429 dated August 25, 2017.
3. Memo from Grievance Coordinator Marshaun Robinson noting that the grievance from prisoner Cantrell was received on August 30, 2017.
4. Memo from Officer Scott Arp dated September 13, 2017.
5. Notice of Investigation sent to Officer Scott Arp dated September 11, 2017.
6. Notice of Investigatory Interview for Officer Scott Arp dated September 12, 2017.
7. MCO Representation Waiver for Scott Arp dated September 12, 2017.
8. Employee handbook receipt signed by Officer Scott Arp dated October 14, 2014.
9. Memo from Officer Anthony Heilig dated September 15, 2017.
10. Notice of Investigation sent to Officer Anthony Heilig dated September 11, 2017.
11. Notice of Investigatory Interview for Officer Anthony Heilig dated September 13, 2017.
12. MCO Representation Waiver for Anthony Heilig dated September 13, 2017.
13. Employee handbook receipt signed by Officer Anthony Heilig dated February 23, 2015.
14. Memo from LPN Jeff McInnis dated September 15, 2017.
15. Memo from RN Kevin Corning dated September 16, 2017.
16. CAJ-1000 ECD Usage Report dated August 19, 2017.
17. Offender Tracking Information System Face Sheet on prisoner Jason Cantrell #397429.
18. Copy of the OMNI sanction report for prisoner Jason Cantrell #397429, 3-pages.
19. 2-10 Shift Schedule for August 19, 2017.
20. OMNI lock history of prisoner Jason Cantrell #397429, 3-pages.

**PHOTOGRAPHS/VIDEO TAPING:**

DVD Attached

**INVESTIGATION:**

***Interview with Prisoner Jason Cantrell #397429***

On September 11, 2017, I interviewed prisoner Jason Cantrell #397429 in Housing Unit-2 at Bellamy Creek Correctional Facility in Ionia, Michigan. Prisoner Cantrell said that on August 19, 2017 he was very upset with Officer Heilig. Prisoner Cantrell said he has had issues with Officer Heilig in the past and on this date he was slammed to the ground on B-wing base. Prisoner Cantrell believes this was excessive. I explained to prisoner Cantrell that staff assistance was called that day because you were refusing to come out of your cell and you were threatening staff. Prisoner Cantrell confirmed that he was very upset and that he has trouble controlling his anger. Prisoner Cantrell stated, "I have been dealing



with my anger issues and that's why I am in prison". I told prisoner Cantrell that I watched the video and agreed he looked upset and on the video you can see you bumping into Officer Heilig at the top of the stairs and when you reached the bottom of the stairs you were pulling away. Prisoner Cantrell said, "Yes, I was mad". I told prisoner Cantrell, you went to the ground so the Officers could get control of you. I asked prisoner Cantrell about his injuries. Prisoner Cantrell said he broke his Pelvis, Femur and Hip in a motorcycle accident before he came to prison but said he thinks his ribs are broke because of the incident. I told prisoner Cantrell that in the grievance you mentioned nothing about your ribs. Prisoner Cantrell asked if the grievance could be pulled. Prisoner Cantrell was told no, this grievance would be investigated.

### ***Interview with Officer Scott Arp***

On September 12, 2017, Officer Scott Arp was interviewed and instructed to truthfully relay the events that transpired in Unit-2 with prisoner Jason Cantrell #397429 on August 19, 2017. The interview took place in the Deputy Suite at the Bellamy Creek Correctional Facility in Ionia, Michigan. Officer Arp said that prisoner Cantrell #397429 was disruptive and threatening Officers that were in front of his cell. Officer Arp said prisoner Cantrell said, "I'm not coming out, you mother fuckers are going to have to come and get me, I will beat all your asses". Officer Arp said prisoner Cantrell allowed staff to restrain him only after Sgt. Stump told Officer Earegood to activate his ECD. Officer Arp said that he was escorting prisoner Cantrell with Officer Heilig when Cantrell knocked into Officer Heilig at the top of the stairs. This is when I lost my grip and was trying to gain control as we descended down the stairs. I was telling prisoner Cantrell to stop and was trying to put my arm back in the escort position, when prisoner Cantrell squeezed his arm in and said, "you aint grabbing me, you aint bending me over". Officer Arp said, I repeated my order to prisoner Cantrell to slow down and stop resisting. Prisoner Cantrell continued to ignore staff orders and was pulling away so I took him to the ground so we could gain better control.

### ***Interview with Officer Anthony Heilig***

On September 13, 2017, Officer Anthony Heilig was interviewed and instructed to truthfully relay the events that transpired in Unit-2 with prisoner Jason Cantrell #397429 on August 19, 2017. The interview took place in the Deputy Suite at the Bellamy Creek Correctional Facility in Ionia, Michigan. Officer Heilig said prisoner Cantrell came out of his cell when they broke his door for his Bunkie to get medication. Officer Heilig said he gave prisoner Cantrell a direct order to return to his cell and he complied but when the door opened again for his Bunkie, prisoner Cantrell stepped in the door jam and would not let the door close. Officer Heilig gave 3 more orders to prisoner Cantrell to step out and let the door close. Prisoner Cantrell stepped back into cell and started threatening staff saying, he would beat anyone's ass that came into the cell to get him. Sgt. Stump arrived and told prisoner Cantrell to exit his cell and be restrained. Prisoner Cantrell did not comply until Sgt. Stump told Officer Earegood to activate his ECD. Officer Heilig said that he placed prisoner Cantrell in wrist restraints and started the escort to Unit-8 with Officer Arp. During the escort I lost my grip when prisoner Cantrell bumped into me and pulled away. I was giving order to stop resisting and attempting to put my arm back into the shoulder lock escort when prisoner Cantrell stated, "You are not bending me over". Prisoner Cantrell was told again to stop resisting but he continued to tense his body until he was taken to the ground so we could gain control. Officer Arp and I established control of prisoner Cantrell and finished the escort to Unit-8 without further incident.

**CONTACT SUSPECT:**

**SCOTT ARP** [REDACTED]

*Interview/Questionnaire*  
Interview

*Date*

*Interviewer*  
GILBERT SCOTT M

*Location*  
Administration Building

**CONTACT SUSPECT:**

**ANTHONY HEILIG** [REDACTED]

*Interview/Questionnaire*  
Interview

*Date*

*Interviewer*  
GILBERT SCOTT M

*Location*  
Administration Building

**CONTACT COMPLAINANT/WITNESS:**

**JASON CANTRELL #397429**

*Interview/Questionnaire*  
Interview

*Date*

*Interviewer*  
GILBERT SCOTT M

*Location*  
Housing Unit

**CONCLUSION:**

**The investigation has determined the following:**

- Prisoner Cantrell did not comply with Staff direction until an ECD was activated.
- The DVR shows prisoner Cantrell being escorted by Officer's Heilig and Arp. During the escort you can see prisoner Cantrell bump into Officer Heilig and pull away from both Officers during the escort.
- During the interview and statement provided by Officer Arp, prisoner Cantrell was not following staff direction, being disruptive and had to be placed on the ground so he could gain control.
- Officer Heilig provided the same information in his written statement and said prisoner Cantrell was taken to the ground to gain control.
- Officer Heilig and Officer Arp both lost control of prisoner Cantrell during the escort because he was disruptive, unmanageable and attempting to hurt the Officers.
- Prisoner Cantrell demonstrated Active Resistance when he was pulling away from Officer Arp and Officer Heilig.
- Prisoner Cantrell demonstrated Active Aggression when he knocked into Officer Heilig during the escort.
- Prisoner Cantrell admitted to being upset that day, having anger issues and asked that the grievance be pulled.
- Prisoner Cantrell stated the injuries mentioned in the grievance (Pelvis, Hip, Femur and feet) were injuries he sustained from a motorcycle accident.
- RN Corning provided a written statement where he attempted to evaluate prisoner Cantrell after the incident on August 19, 2017 at 2030 hours but prisoner Cantrell would not respond to his questions. RN Corning said he followed up with prisoner Cantrell again at 2040 hours and prisoner Cantrell's only concern was his KOP meds. RN Corning said that during both his visits to prisoner Cantrell there were no obvious injuries.
- LPN McInnis provided a statement that healthcare seen and treated prisoner Cantrell on August 31, 2017 and on September 14, 2017 he refused his call out for medical treatment.



- Based on the above information and interviews, I believe there is insufficient evidence to support prisoner Cantrell's allegations of excessive force.
- I also believe that Officer Arp and Officer Heilig actions were objectively reasonable when using force and within the guidelines of the Use of Force Continuum when controlling prisoner Cantrell.

Regarding the **Work Rule Violations**, there appears to be the following:

**Suspect:** ANTHONY W HEILIG

**Allegation(s):**

Humane Treatment of Individuals/Abusive, threatening, profane	Insufficient Evidence
Language	Insufficient Evidence
Use of Force/None	Insufficient Evidence
Conduct Unbecoming/Other	

**DISPOSITION:**

This investigation is closed and available for review.